

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

UNITED STATES OF AMERICA)	
)	Case No. 4:11-cr-26
v.)	
)	MATTICE / LEE
THOMAS LARRY HENRY)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count Three of the three-count Indictment; (2) accept Defendant's plea of guilty to Count Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 60]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 60] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Three of the Indictment is **GRANTED**;
 - (2) Defendant's plea of guilty to Count Three of the Indictment is **ACCEPTED**;
 - (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Three of the Indictment;
 - (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;
- and

- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, July 1, 2013 at 9:00 a.m. [EASTERN]** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE